ssm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5283 OF 2007
IN
FIRST APPEAL NO.2232 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mr. S.D.Mogre for the applicant.

Mr. Anand Singh i/by Mr. M.P.Vashi for respondent Nos. 1,5 and 6.

CORAM : ANOOP V. MOHTA,J.
DATED : 24th October, 2007.

P.C.

1. The appellant is the original plaintiff. The appeal after admission is pending for the final hearing. However, pursuant to the Full Bench judgment of this Court in **Prabhudas Damodar Kotecha Vs. Smt. Manoharbala Jayram Damodar, 2007(5) Mh. L.J. 341,** the appellant by this application seeking order in terms of prayer clause (a), which is reproduced as under:-

. "this Hon'ble Court be pleased to return the suit filed in the Bombay City

Civil Court at Bombay, Short Cause Suit No. 3265 of 1975 for being presented to the Court of Small Causes at Bombay and the same be directed to be disposed of, by the said Court of Small Causes at Bombay in a time bound schedule;"

2. The other side has no objection for the same. Taking note of the averments made, the present application is allowed in terms of prayer clause (a). The Small Causes Court at Bombay, in the facts and circumstances of the case, on specially, as the suit is of the year 1975, dispose of the same preferably within two years.

3. Office to send the record and proceedings.

4. The Civil Application is allowed and disposed of accordingly.

5. The first appeal is also, disposed of, accordingly.

[ANOOP V. MOHTA, J.]